

Regulation  
No. 715-1-6

31 March 1994

PROCUREMENT  
CONTRACTING OFFICER'S REPRESENTATIVE

1. PURPOSE. This regulation establishes policy, procedures, and training requirements for contracting officer's representatives (CORs) appointed by contracting officers. This policy is intended to provide a better understanding of the responsibilities and duties of the COR.

2. APPLICABILITY. This regulation is applicable to all CORs from Honolulu Engineer District (HED), Japan Engineer District (JED), and Far East District (FED), and other CORs appointed by contracting officers from these districts. This includes individuals designated as Alternate CORs who act only in the absence of the Primary COR. Throughout this regulation, the words "he/his" are intended to include both the masculine and feminine genders.

3. REFERENCES.

a. FAR, AFARS, EFARS Subparts 1.6. and DFARS Subpart 201.6.

b. AFARS Subpart 42.90.

c. PARC Instruction Letter 93-5, 14 Oct 93, Selecting, Training, Qualifying, and Appointing Contracting Officer's Representatives.

4. POLICY.

a. Designation of COR Authority.

(1) Any Pacific Ocean Division contracting officer may select and designate qualified Government personnel, military or civilian, as his authorized representative in administering a contract. In selecting a COR, the contracting officer must ensure that the individual possesses qualifications and experiences commensurate with the authorities with which he is to be empowered.

(2) The COR authority is delegated solely by the contracting officer. The COR must carefully observe the scope and limitations of his authority as defined in his designation letter. The COR must consult with the contracting officer when in doubt about a correct course of action to be taken.

31 March 1994

(3) Each COR designation and change thereto shall be in writing. A separate designation shall be issued for each contract defining therein the scope and limitations of authority of the COR.

(4) Designation of a COR shall remain in effect throughout the life of the contract unless it is revoked by the contracting officer or his successor, or revoked through reassignment or departure of the individual designated.

b. Redlegation of COR Authority. The COR may not redelegate his COR authority. However, the COR may be assisted in his performance of his duties by qualified technical and administrative assistants. A COR is responsible for those duties performed by these assistants.

c. Termination of Designation. A COR must request termination of designation as COR from the contracting officer sufficiently in advance of reassignment or separation to permit timely selection and designation of a successor COR.

d. Responsibilities. The COR must be aware of the continuing responsibility to act in the best interests of the Government and the need to work closely with the contractor and contracting officer to anticipate and resolve difficulties. The COR must objectively evaluate the contractor's performance and keep the contracting officer fully informed of progress including problems with the contract. Failure to inform the contracting officer is by far the most common COR error.

5. STANDARDS OF CONDUCT. All personnel must conduct their dealings with industry in a manner above reproach in every respect and must protect the U.S. Government's interests and maintain its reputation for fair dealings with contractors. CORs must abide by the standards set forth in Executive Order (E.O.) 12674 of April 12, 1989 (as modified by E.O. 12731), 5 C.F.R. Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," DoD Regulation 5500.7-R, "Joint Ethics Regulation," and other applicable laws and regulations.

6. RESPONSIBILITIES AND DUTIES. The responsibilities and duties of the COR must be within the following authority and limitations:

a. COR Authority. With the limitation of paragraphs 6.b.(1) through 6.b.(3) below, the COR may take any action that could lawfully be undertaken by the contracting officer except where the terms of the contract itself or the COR designation letter

31 March 1994

PODR 715-1-6

specifically prohibits or limits the COR from exercising such authority. The following represents some of the COR's responsibilities and duties. It is not meant to be all inclusive. As specific situations arise that have not been covered or that create questions, the COR should consult with the contracting officer and obtain advice on how to proceed in the best interests of the Government and the contractor.

(1) The technical area of the contract is one of the COR's more important areas of responsibility. CORs must take the lead under the guidance and direction of the contracting officer to determine that work performed fulfills contract requirements.

(2) The COR will typically provide assistance to the contracting officer either personally or through assignment to others working for/or with the COR in the following contract administration functions:

(a) The COR will promptly approve or disapprove contractor's invoices by processing invoices to take advantage of prompt payment discounts and avoid interest charges for late payments. The COR shall personally approve or disapprove contractor's invoices for partial or progress payments that do not include the release of retainage. The COR shall verify or obtain verification from other responsible parties as to the amount of work performed in relation to that claimed for payment before approving an invoice.

(b) Review and evaluate contractor's proposals and furnish comments and recommendations to the contracting officer or authorized negotiator.

(c) Assist in negotiating and preparing modifications.

(d) Attend preconstruction conferences and other contract-related meetings, as necessary.

(e) Perform surveillance and status reporting, including reporting of potential and actual slippage in contract schedules.

(f) Make appropriate comments to the contracting officer of any inadequacies noted in specifications.

(g) Prepare receiving reports in a timely manner and distribute as required.

(h) Represent the contracting officer in technical matters.

31 March 1994

(i) Consult with the contracting officer when in doubt about any matter involving the contract or contractor.

(j) Provide assistance to the contracting officer to ensure complete and timely performance by the contractor.

(k) Keep abreast of the contractor's performance through monitoring.

(l) Work with other directorates or offices when necessary in handling contracting matters concerning property, security, and funding.

(m) Give contractors fair and equal treatment.

(n) Submit any required report(s) to the contracting officer on status of contractor's performance.

b. Limitations of COR Authority.

(1) The COR shall not award, agree to, or sign any contract or modification, or in any way obligate the expenditure of money by the Government and shall avoid any action which the contractor might construe as authorization to alter, reduce, or increase the work required in the contract. If the COR exceeds his authority and the contractor incurs costs in reliance of the COR's unauthorized direction(s), the COR's personal assets may be subjected to liability as a consequence of the unauthorized act(s).

(2) The COR shall not initiate procurement actions by use of imprest funds, blanket purchase agreements, or other small purchase methods, nor place call for delivery orders under basic agreements, basic ordering agreements, or indefinite delivery type contracts.

(3) In addition, the COR is not authorized to:

(a) Take any action under Contract Clause entitled "Changes", including any agreement which involves any change in the contract time or monetary value.

(b) Take any specific action under Contract Clause entitled "Termination for Default" except upon the contracting officer's specific direction.

(c) Render the contractor a decision under Contract Clause entitled "Disputes".

31 March 1994

PODR 715-1-6

(d) Issue stop-work order under Contract Clause entitled "Stop-Work Order".

(e) Encourage any contractor by words, actions or failure to act, to undertake any work either on a new proposed effort or an extension of work beyond the period set forth in an existing contract.

(f) Participate in any way with a contractor or his employees which may create an impression of favoritism toward one contractor.

(g) Provide any information relating to a competitive procurement to any potential offeror without first discussing the situation with the contracting officer.

(h) Interfere with the contractor's management prerogatives by "supervising" contractor employees or otherwise directing their work efforts.

(i) Make final determination of contractor's liability for loss, damage or unreasonable use of Government-furnished property.

(j) Authorize a contractor to obtain property for use under a contract or to use Government-furnished property (GFP) possessed under one contract for use under another contract.

(k) Accept work under the contract clause entitled "Inspection of Construction".

7. COR FILES. The COR must establish and maintain a COR file for each contract assigned. Contracting Officers shall instruct CORs as to the type of records they shall maintain and the distribution thereof. However, the files must include as a minimum:

a. A copy of the contracting officer's letter of designation and other documentation describing the COR's duties and responsibilities.

b. Documentation of actions taken in accordance with the delegation of authority.

8. TRAINING REQUIREMENTS FOR CORs. A combination of training and experience, along with an analysis of the varying degrees of responsibility must be considered by the contracting officer before appointing a COR.

31 March 1994

a. **Mandatory Training.** All CORs (A-E, Construction, Service, etc.) must complete the Corps of Engineers Contracting Overview Course and Contracting Officer's Representative course. In addition, CORs for A-E contracts must complete the Corps of Engineers Architect Engineer Contracting Procedures and Negotiations course. The mandatory courses must be completed prior to nomination or as soon as possible after a one-time waiver is granted by the Director/Chief, Contracting. When deemed necessary, the Director/Chief, Contracting, will grant a one-time waiver, for a period not to exceed 180 days. Requests for such waiver shall include documentation justifying the waiver. The COR course must be a course approved by the Director/Chief, Contracting. The following COR courses have been approved:

(1) Army Logistics Management College (ALMC), "Contracting Officer's Representative Course"

(2) General Services Administration (GSA), "Contracting Officer's Representative Course"

(3) Hawaii Joint Training Board (HJTB), "Contracting Officer's Technical Representative Course"

b. **Recommended Training.** It is highly recommended that one of the following training courses be taken:

(1) For construction CORs: Construction Contracting Fundamentals, CON 103 \*

(2) For service (including A-E) CORs: Contracting Fundamentals, CON 101 \*

(3) Any contract administration course.

\* Similar to former Management of Defense Acquisition Contracts, Basic, but specific to the type of work.

c. **Desirable Training.** It is desirable that the CORs take Government Contract Law, CON 201, although it is not required.

9. **SEPARATION OF DUTIES.** To ensure strong internal control, it is important that adequate separation of duties is present. An example of weak internal control will be a situation where the COR prepares the scope of work and Government Estimate, conducts negotiations, receives the specified goods/services, and approves the contract payment. Each office with a COR shall review the COR's duties in relation to the work process to ensure that procurement duties are separated to the maximum extent possible.

31 March 1994

PODR 715-1-6

If separation of duties is not feasible due to manpower, the office shall ensure that adequate "checks and balances" are present.

10. SEMI-ANNUAL REVIEW.

a. The cognizant Contracting Officer shall conduct a semi-annual review of COR's files and activities. Attached COR Inspection Checklist (Attachment A) illustrates the type of auditable items which may be reviewed by the Contracting Officer during his semi-annual review. The Director, Contracting, for POD or the respective Chiefs, Contracting Division, for JED and FED may revise the checklist to address the focus of their review. CORs will be notified on the focus of the review and will be given a copy of the checklist prior to the review.

b. Results of these reviews will be forwarded to the COR's office. The office and/or the individual COR will be required to respond in writing as to actions taken to correct identified weaknesses or deficiencies.

11. COR RECORDS. A file of all individuals authorized to serve as a COR will be maintained in the respective contracting office for POD/HED, JED and FED. This file will consist of the original request, approved by the Director, Contracting, or Chief of Contracting Division, documentation from the semi-annual review, and a copy of the résumé and training certificates. A listing will be prepared by the respective contracting office and will be made available as necessary to those offices requiring this information.

12. The proponent for this regulation is the Directorate of Contracting. Any changes or deviations to the regulation must be coordinated through the directorate as necessary.

FOR THE COMMANDER:

Appendix  
App A - Contracting Officer  
Representative (COR)  
Inspection List

  
JAMES K. LIGH  
Director, Information Management

DISTRIBUTION: (List 93-1)  
B, C

APPENDIX A  
CONTRACTING OFFICER'S REPRESENTATIVE (COR)  
INSPECTION CHECKLIST

COR NAME:

DATE:

CONTRACT NO:

CONTRACTOR:

DESCRIPTION OF SERVICES:

REVIEWER'S SIGNATURE/TITLE:

	YES	NO	N/A
1. Did the COR award, agree to, or sign any contract or modification, or in any way obligate the expenditure of money by the Government?	_____	_____	_____
2. Did the COR initiate procurement actions by use of imprest funds, blanket purchase agreements, or other small purchase methods?	_____	_____	_____
3. Did the COR place calls for delivery orders under basic agreements, basic ordering agreements, or indefinite delivery type contracts?	_____	_____	_____
4. Did the COR make commitments or changes that affected price, quality, quantity, delivery, or any other terms or condition of the contract.	_____	_____	_____
5. Did the COR take any actions that were prohibited or limited by the term of the contract itself or the COR designation letter?	_____	_____	_____
6. Did the COR redelegate his COR authority to other personnel?	_____	_____	_____
7. If the mandatory training course was waived:			
a. Has the COR taken the mandatory course since the waiver?	_____	_____	_____
b. Is the COR scheduled to take the mandatory training course prior to the end of the 180 day waiver period?	_____	_____	_____
8. Has the COR taken the recommended training course?	_____	_____	_____
9. Has the COR taken the desirable training course?	_____	_____	_____
10. Has the COR established and maintained a COR file as directed by the Contracting Officer?	_____	_____	_____
11. Is the Contracting Officer's letter of designation in the COR file?	_____	_____	_____

REMARKS: